IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.947 OF 2006

Ajaysingh Maganlalji Anjana ..Applicant.
V/s.
The State of Maharashtra ..Respondent.

Shri Rajan Salvi, adv.(appointed) for Applicant.

Smt.S.V.Gajare, APP for Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 23rd March, 2007.

P.C.:

1. Heard Mr.Salvi advocate appointed for the applicant and Ms.Gajare, the learned APP for the State. Perused the report of the learned Special Judge.

2. The present applicant was arrested on 13th June, 2001 in N.D.P.S.Special Case No.109 of 2001. Crime No.88 of 2001 was registered by N.C.B., Mumbai and it has been registered as Special Case No.109 of 2001. The matter is before the learned Special Judge, Mr.P.N.Deshmukh for the long time. Report reveals that even though the case was filed in the Court on 13-9-2001, charge was framed on 1-12-2004, i.e. more than 3 years after filing of the case. First witness P.W.1 was present on 24-2-2005. It appears that on most of the occasions, her evidence could not be recorded because the Court was busy in some other matters. As per the report, cross-examination of the

witness was concluded on 20-3-2006. Till the date of report on 19-12-2006 only six witnesses were examined and recording of 7th prosecution witness was in progress. Ms.Gajare, the learned APP informs that evidence of P.W.7 is now completed. Still 8 more witnesses are to be examined by the prosecution. If the trial is taken up with this pace, accused will be required to complete the prescribed sentence even before conclusion of trial. This is not satisfactory.

3. The learned Special Judge is hereby directed to take up the trial of the case on day-to-day basis and Ms.Gajare on behalf of the prosecution assures that the prosecution will not seek any adjournment for production of witnesses or otherwise. The accused shall also fully co-operate in the expeditious trial of the case.

4. Application stands disposed off with aforesaid directions.

(J.H.BHATIA, J.)